

TWENTY-EIGHTH DAY

(Wednesday, March 1, 1961)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

Absent—Excused

Fuller

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, teach us that a soft answer turneth away wrath; but grievous words stir up anger. And he that ruleth his spirit is mightier than he that taketh a city. Give us grace and courage to disagree, and not be disagreeable about it. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Senate Resolution 149

Senator Willis offered the following resolution:

Whereas, Dr. Leroy Dean Anderson on 12 March, 1961 begins his fiftieth year as Pastor of the First Christian Church of Fort Worth, Texas; and

Whereas, Dr. Anderson was born at Steamburg, Pennsylvania, on 25 June 1877, the son of Ora William and Martha Connick Anderson and was graduated from the College of the Bible, Lexington, Kentucky in June,

1900. He received his A.B. degree in 1905, and his LL.D. degree in 1923 from Texas Christian University; and

Whereas, Dr. Anderson served Pastorates at Athens, Ennis, Palestine and Fort Worth before beginning his work as Pastor of the First Christian Church in March of 1912. During his ministry this Church has risen to rank among Texas' great Churches in all phases of Christian endeavors; and

Whereas, Dr. Anderson has served as secretary and member of Brite College of the Bible at T.C.U., President of the Board of Trustees at T.C.U., Trustee of T.C.U. Missionary Society and President of the Texas State Convention of Disciples of Christ. He has lectured in many states and authored "The Business of Living," "Perfected Into One," "Strangers and Pilgrims," "What We Believe," was co-editor of The Christian Courier and written many brotherhood publications; now, therefore be it

Resolved, That the State of Texas extend congratulations and sincere greetings to this great and good minister as he begins on 12 March 1961 his fiftieth year as Pastor of the First Christian Church of Fort Worth, Texas.

The resolution was read and was adopted.

Reports of Standing Committees

Senator Rogers submitted the following reports:

Austin, Texas,
March 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. C. R. No. 21, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Chairman.

Austin, Texas,
March 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 98, have had the same under consideration, and we are instructed to re-

port it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Chairman.

Senator Reagan submitted the following reports:

Austin, Texas,
March 1, 1961.

Hon. Ben Ramsey, President of the Senate.

We, your Committee on Insurance, to whom was referred Senate Bill No. 221, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute attached hereto in lieu thereof, do pass and be printed.

REAGAN, Chairman.

C. S. S. B. No. 221 was read the first time.

Austin, Texas,
March 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 157, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Austin, Texas,
March 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 128, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Senator Roberts submitted the following report:

Austin, Texas,
February 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 189, have had the same under

consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

ROBERTS, Chairman.

Senator Kazen submitted the following report:

Austin, Texas,
March 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred S. B. No. 245, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Senator Parkhouse submitted the following reports:

Austin, Texas,
March 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 54, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
March 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 274, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
March 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 280, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be not printed.

PARKHOUSE, Chairman.

Austin, Texas,
March 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 252, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senate Resolution 150

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the 12th Grade Government Class of Blanco High School accompanied by their teachers, Mr. F. C. Smith and Mr. B. R. Floor; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert by unanimous consent presented the students and their teachers to the Members of the Senate.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Baker:

S. B. No. 288, A bill to be entitled "An Act authorizing the Board of Directors of Texas Southern University for and on behalf of Texas Southern University, Houston, Texas, to

acquire by purchase, exchange or otherwise tracts of land in Harris County, Texas contiguous and/or adjacent to the campus of Texas Southern University when deemed necessary by the Board of Directors; and declaring an emergency."

To the Committee on State Affairs.

By Senator Weinert:

S. B. No. 289, A bill to be entitled "An Act to amend Senate Bill No. 97, Chapter 55, Acts of the Fifty-fourth Legislature, Regular Session, 1955, as amended by House Bill No. 110, Chapter 31, Acts of the Fifty-fifth Legislature, Regular Session, 1957, so as to provide and make more certain that oil, gas, and mineral leases executed by personal representatives may provide for their extension beyond their primary terms by shut-in gas wells, and validating such provisions in leases heretofore executed by personal representatives pursuant to the provisions of the Texas Probate Code and still in force; to provide that oil, gas, and mineral leases executed by personal representatives pursuant to the Texas Probate Code may be amended so as to provide for their being continued in effect by shut-in gas wells, such amendments to be executed by the personal representatives with the approval of the Court and upon such terms and conditions as may be prescribed therein; to provide and make more certain that pooling or unitization agreements affecting royalty or mineral interests in oil, gas and other minerals, or any one or more of them, owned by the estate being administered, executed by personal representatives and authorized by the Court may, among other things, provide that any lease committed to a pool or unit shall be continued in force in its entirety by a shut-in gas well; containing a severability clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Lane, Dies, Parkhouse, Ratliff and Willis:

S. B. No. 290, A bill to be entitled "An Act appropriating revenues accruing to Veterans Land Board Special Fund, No. 52 and any balance on hand in such fund to the General Land Office; and declaring an emergency."

To the Committee on Finance.

By Senators Krueger and Reagan:

S. B. No. 291, A bill to be entitled "An Act providing for the regulation of the practice of landscape architecture; defining terms; creating a Board of Registration for Landscape Architects and providing its organization; prescribing qualifications of members of the Board; providing a method of appointment, term of office of members of the Board, and prescribing their powers, duties and authority; providing for the licensing of landscape architects; providing minimum qualifications for licentuates; providing a grandfather clause; providing a method for licensing applicants and making other provisions relating thereto; authorizing the Board to adopt rules and regulations and making other provisions relating thereto; providing for a secretary to the Board and prescribing his powers, duties and authority; providing perquisites of Board members, the secretary and employees of the Board; providing fees; providing for the revocation, cancellation and suspension of licenses and the grounds therefor; authorizing injunctive proceedings for the enforcement of this Act; providing penalties for violation of the provisions of this Act; providing a severability clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Gonzalez:

S. B. No. 292, A bill to be entitled "An Act requiring all meetings of all boards, commissions, committees of the Legislature, and all other agencies of the State, City, County, or other political subdivision of the State to be open, with certain exceptions; making it unlawful to hold or participate in a closed meeting; defining an offense; prescribing a penalty; providing invalidation of actions taken in closed meeting; providing for removal of officers from office; containing a severability clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Willis:

S. B. No. 293, A bill to be entitled "An Act authorizing certain cities to enter into contracts with districts established under Article XVI, Section 59 of the Constitution under which the district will supply to such city sewage transportation, treatment and

disposal services which contracts may also provide for use by the district of sewage transportation, treatment and disposal facilities owned by such city; providing the revenues to be received by a district under such contract shall be used by the district for payment of principal of and interest on bonds issued by the district and for payment of expenses of the district and other purposes as provided in such contract; providing that payments to be made by a city under such contract shall be payable from the income of the city's waterworks system or sewer system or of both systems as may be prescribed in such contract, and such payments shall constitute an operating expense of the system whose revenues are thus to be applied; providing that, if authorized at an election, the city may also levy a tax for the payment of its obligations under such contract; prescribing the duties of city with reference to rates to be charged by the city for water or sewer service or both when such contract is made; containing a severability clause; enacting other provisions relating to the subject; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Willis:

S. B. No. 294, A bill to be entitled "An Act relating to Tarrant County Water Control and Improvement District No. 1; authorizing the district to purchase, construct, improve and repair works and facilities necessary for transportation, treatment and disposal of sewage and industrial waste and effluent, and to issue bonds for such purposes, and to make contracts with cities and others under which the district will transport, treat and dispose of sewage from such cities, and contracts for the use of city-owned sewage transportation, treatment and disposal facilities; providing for the security and payment of the bonds, and providing that Chapter 268, Acts of the Fifty-fifth Legislature shall be applicable to bonds issued under this Act; providing that the bonds and contracts may be approved by the Attorney General of Texas or validated by suit, or both; enacting other provisions related to the subject; and declaring an emergency."

To the Committee on Water and Conservation.

By Senators Martin, Hudson, Owen, Creighton, Dies and Roberts:

S. B. No. 295, A bill to be entitled "An Act amending Article 4614, Revised Civil Statutes of Texas, 1925, as amended by Chapter 407, Acts of the 55th Legislature, Regular Session, 1957, so as to give a married woman 21 years of age and over sole management, control and disposition of her separate property, both real and personal; repealing all laws and parts of laws in conflict with the provisions of this Act; setting an effective date; and declaring an emergency."

To the Committee on Jurisprudence.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. J. R. No. 46, Proposing an amendment to the Constitution of Texas by adding to Article III a new Section to be known as Section 49-d authorizing the Texas Water Development Board to acquire storage facilities in reservoirs and to dispose of such storage facilities and water upon such terms as the Legislature shall prescribe; providing for the use of funds received from the disposition of acquired storage and water; providing that any enabling Acts shall not be invalid because of their anticipatory character; prescribing the form of ballot and providing for the necessary proclamation and publication.

H. B. No. 261, Concerning the adoption and filing of rules and regulations of State administrative agencies authorized by law to make rules and regulations; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 151

Senator Baker offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr.

and Mrs. Joe Resweber, their daughters Judy and Betty Jo; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Baker by unanimous consent presented the guests to the Members of the Senate.

Senate Bill 280 Ordered Not Printed

On motion of Senator Rogers and by unanimous consent S. B. No. 280 was ordered not printed.

House Bill 388 Postponed

On motion of Senator Lane and by unanimous consent consideration of H. B. No. 388 was postponed until Wednesday, March 8, 1961, following the Morning Call.

Co-author of Senate Bill 194

Senator Gonzalez asked unanimous consent to be shown as co-author of S. B. No. 194.

There was no objection offered.

Resolutions Signed

The President Pro Tempore signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 12, Granting W. E. Campbell and wife permission to sue the State of Texas.

S. C. R. No. 18, Requesting the Texas Commission on Higher Education to study the need and feasibility of elevating the Laredo Junior College to a State-supported four-year institution of higher education.

Senate Bill 292 Re-referred

On motion of Senator Gonzalez and by unanimous consent S. B. No. 292 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Jurisprudence.

Notice of Executive Session

Senator Dies gave notice that he would on tomorrow make a motion for an Executive Session to consider nominations of the Governor.

House Bill 59 on Second Reading

Senator Rogers moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 59 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Baker	Moffett
Calhoun	Owen
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Roberts
Gonzalez	Rogers
Hardeman	Schwartz
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	

Nays—3

Lane	Parkhouse
Moore	

Absent—Excused

Fuller

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

H. B. No. 59, An Act amending Section 2 of Chapter 88, General Laws of the Forty-first Legislature, Second Called Session, 1929, as amended (codified as Article 6675a-2 in Vernon's Texas Civil Statutes), by extending the exemption from registration of farm trailers and farm semi-trailers to include trailers and semi-trailers owned by cotton gins and grain elevators and used solely for supplying,

without charge, such trailers and semi-trailers to farmers to haul agricultural products from place of production to place of process, market or storage of such agricultural products; etc.; and declaring an emergency.

The bill was read second time.

Senator Rogers offered the following committee amendment to the bill:

Amend H. B. 59 by striking Section 1a and inserting in lieu thereof the following:

"Section 1a. Subsection 3 of Section 132 of the Uniform Act Regulating Traffic on Highways is amended to read hereafter as follows:

'3. Every trailer or semi-trailer of a registered or actual gross weight of three thousand (3,000) pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that in case of an accidental break-away of the towed vehicle the brakes shall be automatically applied; provided that this subsection shall not apply to any farm trailer, farm semi-trailer, or fertilizer trailer operated or moved temporarily upon the highways when its gross weight does not exceed fourteen thousand (14,000) pounds. The term "gross weight" as used in this subsection shall mean the combined weight of the trailer or semi-trailer and the weight of the load actually carried on the highway'."

The committee amendment was read.

Question — Shall the committee amendment to H. B. No. 59 be adopted?

Adjournment

On motion of Senator Hardeman the Senate at 11:54 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of The Honorable Ben G. Oneal

Senator Moffett offered the following resolution:

(Senate Resolution 148)

Whereas, The Creator in His Infinite Wisdom called from this life on November 14, 1960, at Wichita Falls, Texas, the Honorable Benjamin Grady Oneal, former State Senator and a long-time citizen of Wichita Falls, Texas; and

Whereas, Former Senator Oneal was born in Granada, Mississippi, August 20, 1874, and moved to Breckenridge, Texas, at the age of four, with his mother and grandparents; and

Whereas, He attended Breckenridge schools, the University of Texas, Peabody Normal College at Nashville, Tennessee, and was graduated in 1906 as a member of the first three-year law class at the University of Texas; and

Whereas, On his admission to the Texas Bar in 1906, Mr. Oneal joined the Honorable Fritz G. Lanham, son of former Governor Lanham, in the private practice of law at Weatherford, Texas, and in 1916 moved to Wichita Falls where he became associated with Mr. Bernard M. Martin in the practice of law. The Honorable James V. Allred later became a member of this firm; and

Whereas, From 1931 to 1938, inclusive, the Honorable Ben G. Oneal was a member of the Texas Senate, and was subsequently a member of the State Board of Education from 1939 to 1945. In 1933 he was selected by the Senate of Texas to represent that body at the first Inter-State Assembly of the Council of State Governments at Washington, D. C., and was again selected for the same purpose in 1935. In the latter year he was author of an amendment to the Texas Centennial Bill which authorized the placing of sixty-one historic markers in suitable locations in Texas. At the same time he secured adoption of an amendment to the Texas Centennial Bill to restore Old Fort Belknap in Young County, which was founded in 1851 by the Federal Government to deter Indian depredations, and which was the farthest outpost against the Indians at that time; and

Whereas, Senator Oneal spent much time and effort in bringing about the reconstruction of this outstanding Federal outpost in such remarkable detail that some students of history point it out as being the best example of restoration of frontier forts in Texas. In addition to his work in this field, he was the moving spirit in the organization of the Fort Belknap Historical Society, which he served as President for twenty-two years. Shortly before Senator Oneal's untimely passing the U. S. Department of Interior officially declared that Fort Belknap was one of the outstanding historic spots in Texas; and

Whereas, Senator Ben G. Oneal was a long-time student of government, and particularly of taxation. Among his accomplishments in this field was the sponsorship of a bill which established the semi-annual payment of ad valorem taxes in this State. He also had a deep and abiding interest in children and in the public schools of Texas, having taught in them for a number of years in his early manhood. Senator Oneal also sponsored the formation of the six-member Texas Game and Fish Commission and the Isaac Walton League of Texas; and

Whereas, Senator Oneal was a member of the First Methodist Church in Wichita Falls, Texas; the Wichita County Bar; the Texas State Bar; the American Bar Association; the Wichita Falls Chamber of Commerce; the Wichita County Farm and Ranch Club; and the Wichita Falls Knife and Fork Club; and

Whereas, Senator Oneal in his long and successful life, did not limit his efforts merely to his own welfare but generously and tirelessly worked toward the betterment of his own community and of the State, notably in those varied and numerous areas where his support was of primary importance; and

Whereas, The State, through this expression by the Senate in which Senator Oneal had served so creditably, is gratified to be able to recognize the outstanding personal, professional and official achievements of one whose example can well serve as an inspiration to other Texans; and

Whereas, He is survived by his widow, Mrs. Ben G. (Cora Maude Martin) Oneal; now, therefore, be it

Resolved, That the Senate of Texas express its sincere sympathy to Mrs. Ben G. Oneal; and forward her a copy of this resolution; and, be it further

Resolved, That a page be set aside in the Senate Journal in memory of Senator Ben G. Oneal and that when the Senate adjourns today, it do so in his memory.

MOFFETT
MARTIN

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Calhoun, Colson, Creighton, Crump, Dies, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Roberts, Rogers, Schwartz, Secrest, Smith, Weinert, Willis.

The resolution was read.

On motion of Senator Martin and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.